

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jara Gobbi,)	C/A No. 4:03-1758-CMC-TER
)	
Plaintiff,)	
)	
v.)	
)	OPINION AND ORDER
Suntrust Mortgage, Inc.,)	
)	
Defendant.)	
)	

Plaintiff Jara Gobbi, proceeding *pro se*, filed this action against Defendant Suntrust Mortgage, Inc., alleging violations of the Real Estate Settlement Procedures Act , 12 U.S.C. § 2601 *et seq.* Defendant filed a motion for summary judgment¹ and Plaintiff filed a response. The motion was referred to United States Magistrate Judge Thomas E. Rogers, III, for a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(b) D.S.C.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation to which a specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, __ F.3d __, 2005 WL 1713188, at *3 (4th Cir. 2005) (stating that “in the absence

¹Previously, Defendant filed a motion to dismiss which the court denied because the motion addressed matters outside of the pleadings.

of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The United States Magistrate Judge recommends that Defendant’s motion for summary judgment be granted and this case dismissed. The court advised Plaintiff of her right to file objections to the Report and Recommendation and the serious consequences if she failed to file objections. No objections have been filed and the time for doing so has expired.

After reviewing the complaint, the motion, the record, the applicable law, and the findings and recommendations of the Magistrate Judge, the court finds no clear error and hereby adopts the Report of the Magistrate Judge, which is incorporated into this order.

Therefore, it is ORDERED that Defendant’s motion for summary judgment is GRANTED and this case is dismissed with prejudice.

IT IS SO ORDERED

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 29, 2005